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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,506	03/28/2001	Dennis Sunga Fernandez	FERN-P001D	8534
22877	7590	06/07/2006	EXAMINER	
FERNANDEZ & ASSOCIATES LLP 1047 EL CAMINO REAL SUITE 201 MENLO PARK, CA 94025			VO, TUNG T	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/823,506	FERNANDEZ ET AL.	
	Examiner	Art Unit	
	Tung Vo	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 22-31, 33 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinton (US 5,204,670) in view of Horton et al. (US 5,615,123).

Re claims 20, 23, 30-31, and 33, Stinton teaches an integrated prisoner (abuser) surveillance system (figs. 1 and 14) using fixed and mobile processor communication, the system comprising: a processor (34 of fig. 1) coupled to a packet-switched digital network (38 of fig. 1; the CPU (34 of fig. 1) can be coupled through the telephone communication link, or other appropriate communication links, to a large number of remote monitoring areas, e.g. a cellular telephone link, col. 21, lines 34-35), the processor accessing a database including a representation of an identity and a location of at least one remote prisoner (210 of fig. 1; see details of figure 13B); a mobile communications unit (30, 40 of fig. 1 and 30 and 40' fig. 4A) comprising a cellular phone (col. 21, lines 34-35, Note when the cellular telephone established, the field monitoring device (FMD) (40 of fig. 1, and 40' of fig. 14) is used with the telephone system; col. 8, lines 32-34 and col. 21, lines 34-35) physically associated with a remote prisoner (140 of fig. 12) for monitoring a sensed condition or location (150, 43' of fig. 14) according to a GPS device (Note that various tracking software modules may also be used to allow the system

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to track a tag wearer, either within an institution (as an RF transmitting tag comes within range of strategically placed FMD units throughout the institution), or throughout a much larger area, such as could be achieved with satellite tracking that means GPS device; and When contact is made, the host computer will screen the person making contact to make sure of the person's identify, and in some instances (e.g., where the person is supposed to remain in a certain geographic area) that the person is within an assigned area when the contact is made. Such determination is made using conventional telephone monitoring apparatus coupled to the host CPU that determines a particular area code and/or region from which a received telephone call originates) at least one of such remote prisoner, the mobile communications unit (44 of fig. 1) communicating wirelessly with the processor (40 of fig. 1) through the digital network (38 of fig. 1); and a first detector (148 of fig. 4) coupled to the digital network and selected by the processor (34 of fig. 1) for observing the remote prisoner automatically via real-time video or infrared imaging when such remote prisoner is determined by the processor (col. 10, lines 29-col. 15, line 5) to be located within a first observation range of the selected first detector; wherein the processor (34 of fig. 1) automatically corroborates the monitored condition or location with the observed location of the remote prisoner, thereby enabling communicating (148 of fig. 14, Note the audio would be voice of the prisoner to report to the remote location) between the central (34 of figs. 1 and 14) via the cellular phone (40 of fig. 1 and 40' of fig. 14) through the cellular telephone link (col. 21, lines 34-35).

It is noted that Stinton does not particularly enabling an audio/visual message to be delivered electronically to the remote prisoner and an electronic file comprising a book, a greeting card, a news report, a sports report, a stock report, an artwork, a research database, a

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personal list, a recorded or live voice or music transmission, an electronic tool, or a commercial transaction is provided to the remote prisoner, and the mobile communications unit comprises an accelerometer as claimed.

However, Horton enabling an audio/visual message to be delivered electronically to the remote prisoner, which is an electronic file comprising a book, a greeting card, a news report, a sports report, a stock report, an artwork, a research database, a personal list, a recorded or live voice or music transmission, an electronic tool, or a commercial transaction is provided to the remote prisoner (col. 2, lines 54-67), and the mobile communications unit comprises an accelerometer (1-6 of fig. 1).

Therefore, taking the teachings of Stinton and Horton as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Horton into the system of Stinton for the same purpose of transmitting the audio or visual messages to the prisoner. Doing so would provide guidance information for the prisoner accurately when the prisoner is out of the predetermined range.

Re claim 22, Stinton further discloses a position signal being generated by the mobile communications unit coupled to the remote prisoner when such remote prisoner is moveable within an observable range (32 of fig. 1) an observation signal being generated by the first detector uncoupled to such remote prisoner in the observable range (148 of fig. 14)

Re claim 24, Stinton further discloses a software agent associated with such remote prisoner accesses a database (200, 210 of fig. 13B).

Re claim 25, Stinton further a portable identifier (42, 44, and 45 of fig. 1; Note where the "ID unit" refers to a "passive" identification unit that transmits an identification signal, and/or

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other identification information, only in response to an interrogation signal generated by a host device) associated with such remote prisoner is used for communication therewith.

Re claim 26, Stinton further teaches an object representation of such remote prisoner comprises an object name, an object identifier, an object group, an object query, an object condition, an object status, an object location, an object time, an object error, or an object image, video, or audio broadcast signal (stored image of the offender captured by the camera 148 of fig. 14).

Re claim 27, Stinton further teaches the observable range is modifiable according to a rule set (34 of fig. 1).

Re claim 28, Stinton further teaches the remote prisoner is monitored temporarily using an extrapolated or last- stored positional or visual signal (36 of fig. 1, stored the prisoner or offender information).

Re claim 29, Stinton the remote prisoner is authenticated according to a voice pattern, a finger-print pattern, a handwritten signature, or a magnetic or smart-card signal (Note further, the biomedical condition of the individual at the time of the appearance before the FMD (40' of fig. 14), as detected by the biometric sensors (43' and 150 of fig. 14) could be included in the signals sent to the CPU. Parameters that could optionally be included for sensing by the biometric sensors (43' and/or 150 of fig. 14) include voice, fingerprints, breath analysis, and the like).

Re claim 35-37, Stinton further teaches processor (34 of fig. 1) confirms the remote prisoner identity by processing a visual image of the remote prisoner using adaptive or neural learning software to recognize such prisoner automatically (300 of fig. 13C; col. 20, lines 30-50).

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3. Claims 21, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinton (US 5,204,670) in view of Horton et al. (US 5,615,123) as applied to claims 20, 31, and 33, and further in view of Carroll et al. (US 5,266,944).

Re claims 21, 32, and 34, the combination of Stinton and Horton does not particularly teach a second detector coupled to the digital network and selected by the processor for observing the remote prisoner when such remote prisoner is determined by the processor to have moved and subsequently located within a second observation range of the selected second detector as claimed.

However, Carroll teaches a second detector coupled to the digital network and selected by the processor for observing the remote prisoner when such remote prisoner is determined by the processor to have moved and subsequently located within a second observation range of the selected second detector (60b of fig. 4).

Therefore, taking the teachings of Stinton, Horton, and Carroll as a whole. It would have been obvious to one of ordinary skill in the art to modify the teachings of Carroll into the combined system of Stinton and Horton for same purpose of detecting the prisoner (abuser or offender) within the second observation range. Doing so would provide advance notice to the operator (prison guard) in the event the offender or prisoner comes out of the predetermined area.

#### ***Response to Arguments***

4. Applicant's arguments filed 03/16/2006 have been fully considered but they are not persuasive.

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The applicant argued that neither reference Stinton nor Horton teaches or suggests any mobile communications unit comprising a cellular phone that is physically associated with the remote prisoner to monitor sensed condition or location according to GPS device, where the mobile communications unit/cellular phone communicates wirelessly with the processor through the digital network, thus enabling audiovisual message to be delivered electronically via the cellular phone to the remote prisoner as claimed.

The examiner respectfully disagrees with that applicant. It is submitted that communications unit (30 of figs. 1 and 14) comprising a cellular phone (40 of fig. 1 and 40' of fig. 14, Note when a cellular telephone established (col. 21, lines 34-35), the field monitoring device (FMD) (40 of fig. 1; and 40' of fig. 14) would be obviously incorporated as apart of the personnel monitoring system (30 of fig. 1) with the telephone device, Note one embodiment contemplates that there will be one FMD for every telephone within the area)that is physically associated with the remote prisoner (fig. 12) to monitor sensed condition (150 of fig. 14, Note monitoring physical of the prisoner) or location according to GPS device, where the mobile communications unit/cellular phone (30 of figs. 1 and 14) communicates wirelessly with the processor (34 of figs. 1 and 14) through the digital network (col. 21, lines 34-35, Note the cellular telephone net link), thus enabling audio or visual message to be delivered electronically via the cellular phone to the remote prisoner (the telephone at the monitoring area that can be built in the monitoring system (30 of fig. 1) to communicate with the processor (34 of fig. 1). Furthermore, Horton teaches the system wirelessly transmits an electronic file comprising a book, a greeting card, a news report, a sports report, a stock report, an artwork, a research database, a personal list, a recorded or live voice or music transmission, an electronic tool, or a



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commercial transaction is provided to the remote prisoner (col. 2, lines 54-67), and the mobile communications unit comprises an accelerometer (1-6 of fig. 1). Therefore, one skill in the art would use the suggested teachings of Stinton and Horton to make obvious the claimed invention. In view of the discussion above, the claimed features are unpatentable over the combination with Stinton and Horton.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

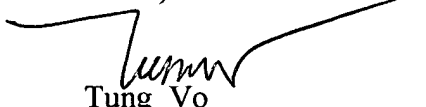
### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tung Vo  
Primary Examiner  
Art Unit 2621